

Howard J. Rubin (HR 1768)
Jennifer Tafet Klausner (JK 1413)
Heath Rosenthal (HR 9081)
DAVIS & GILBERT LLP
1740 Broadway
New York, New York 10019
(212) 468-4800

Daniel S. Moretti (DM 6630)
LANDMAN CORSI BALLAINE & FORD P.C.
120 Broadway, 27th Floor
New York, New York 10271
(212) 468-4800

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STEVE BIEGEL,

Plaintiff,

-against-

DENTSU HOLDINGS USA, INC., DENTSU
AMERICA, INC., TOYO SHIGETA and TIMOTHY
ANDREE,

Defendants.

07 Civ. 9653 (CM) (THK)

**DECLARATION OF DOUGLAS
FIDOTEN**

Douglas Fidoten, under penalty of perjury and pursuant to 28 U.S.C. §1746 declares as follows:

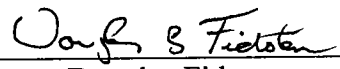
1. On or about June 1, 2006, I assumed my current position as President of Dentsu America, Inc. ("DAI"), formerly DCA Advertising, Inc. Timothy Andree assumed the position of Chief Executive Office of DAI and Toyo Shigeta ("Shigeta") assumed the position of Chairman of the Board of Dentsu Holdings USA, Inc. at the same time. The facts contained in this Declaration are based upon my personal knowledge. I submit this declaration in support of the motion by all Defendants to dismiss the complaint of plaintiff Steve Biegel ("Biegel").

2. In early October, 2004, Biegel traveled for work to Tokyo, Japan with me, Shigeta and Ron Rosen ("Rosen"). On October 3, 2004, while in Tokyo, Shigeta took me, Rosen

and Biegel to a traditional Japanese bathhouse. We were each provided a Yukata, a Japanese bathrobe, upon paying the entrance fee. The bathhouse we went to on this trip is featured in well-known tourist guides such as Time Out Tokyo, Frommer's Tokyo, Lonely Planet Tokyo and Rough Guide to Tokyo. (I am attaching excerpts about this bathhouse from these guides as Exhibit A).

3. DAI maintains a sexual harassment policy that instructs employees how to report allegations of sexual harassment. A few days after his hire, Biegel signed an Acknowledgement Form conceding the receipt of a copy of DAI's Policies and Procedures Employee Manual. That Manual contains DAI's sexual harassment policy and the mechanisms by which employees must report alleged harassment. (I am attaching as Exhibits B and C, respectively, copies of the policy in the Manual and Biegel's Acknowledgment Form).

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 26, 2007.



Douglas Fidoten